

Att. Docket No. 2001-0008-01  
USSN: 09/854,097

### Remarks

Claims 1-43 remain in the above-captioned action and claims 1, 3, 5, 6, and 10-21 stand rejected<sup>1</sup> for obviousness double patenting over U.S. Patent No. 6,477,193.

While still not agreeing with the Examiner's view that obviousness double patenting applies to claims 1, 3, 5, 6 and 10-21, Applicants have filed a terminal disclaimer over U.S. Patent No. 6,477,193.

The Examiner's rejection of claims 1, 3, 5, 6 and 10-21 is therefore now improper and the Examiner is respectfully requested to withdraw the rejection of claims 1, 3, 5, 6, and 10-21 and allow claims 1, 3, 5, 6, and 10-21.

### Conclusion

Claims 1-43 should now be in a condition for allowance, the rejection of claims 1, 3, 5, 6, and 10-21 being improper in light of the filing of a terminal disclaimer and claims 2, 4, 7-9 and 22-43 not having been rejected.<sup>2</sup>

Applicants authorize the Commissioner to charge our Deposit Account in the amount of \$110.00 for the terminal disclaimer fee. If any additional fees are due, The Commissioner is hereby authorized to charge any fees, or to credit any overpayment to Deposit Account No. 03-4060.

Respectfully submitted,

  
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November 24, 2003  
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<sup>1</sup> The cover sheet for the Office Action indicates that claims 1-43 were rejected, however, the body of the Office Action only rejects claims 1, 3, 5, 6 and 10-21 for obviousness double patenting.

<sup>2</sup> Applicants' note a typographical error in the Office Action on page 3 line 3 of the paragraph stating at the bottom of the page, which it appears should read "does not teach a first electrode support..."